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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,700	04/20/2006	Jean-Pierre Vaubourg	6225-0001WOUS	7199

35301 7590 11/20/2007
MCCORMICK, PAULDING & HUBER LLP
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EXAMINER

HURLEY, SHAUN R

ART UNIT	PAPER NUMBER
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3765

MAIL DATE	DELIVERY MODE
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11/20/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/576,700

Applicant(s)

VAUBOURG ET AL.

Examiner

Shaun R. Hurley

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 April 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-25 is/are rejected.
- 7) ☐ Claim(s) 26 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 20 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>04/20/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities:

Page 4, lines 8-9: “0,2” is unknown

“1,0” is unknown

“0,2” is unknown

“0,5” is unknown

Page 7, line 20: “0,38” is unknown

Page 8, line 30: “0,38” is unknown

Appropriate correction is required.

Claim Objections

2. Claims 17, 23, 24, and 26 are objected to because of the following informalities:

In regards to claim 17, line 5, Examiner wonders if “said crimping” should read --said crimping means--

In regards to claim 23, the terms “0,2” and “1,0” are unknown

In regards to claim 24, the phrase “said pair” is not previously disclosed in the claims

In regards to claim 26, the phrase “said pair” is not previously disclosed in the claim

Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 14, 17, 19, and 24 are rejected under 35 U.S.C. 102(b) as being anticipated by Watakabe (5111649).

Watakabe teaches a method for manufacturing a wire cord comprising bundling a plurality of wires in a bundling die in such a way to form a side-by-side bundle, crimping the wires by passing the bundle between meshing toothed wheels, and twisting together the plurality of crimped wires using twisting means along a twisting path, wherein the meshing toothed wheels are located at the beginning of the twisting path. In regards to adjustability of the toothed wheels, anything can be adjusted.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 18, 20-23, and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Watakabe.

Watakabe essentially teaches the invention as detailed above, including a twisting means, but fails to specifically teach rotor and deflection pulley twisting means, which is well known in the art. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to have utilized such a twisting means, so as to provide the necessary twist to the crimped wires into a finished wire cord. Watakabe does not specify a particular twisting device

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because its structure does not affect the invention as taught. Any suitable twisting means would provide the necessary twist, including a well-known rotor and deflection pulley type twister.

With regards to the limitation of a spacing of 30mm to 60mm, the specification contains no disclosure of either the critical nature of the claimed spacing or any unexpected results arising therefrom, and that as such the spacing of 30mm to 60mm was arbitrary and therefore obvious. Such spacing limitation cannot be a basis for patentability, since where patentability is said to be based upon diameter or another spacing or another variable in the claim, the applicant must show that the spacing of 30mm to 60mm is critical. In re Woodruff, 919 F.2d 1575, 1578, 16 USPQ2d 1934 (Fed. Cir. 1990). One having ordinary skill in the art would be able to determine through routine experimentation the ideal dimension for a particular application. Likewise the gap to thickness ratio, thickness to diameter ratio, and wire thickness.

Allowable Subject Matter

7. Claim 26 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Van Giel et al (5581990), Noferi (6446423), and Senyagin et al (4802328) all teach what is well known in the art.


9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shaun R. Hurley whose telephone number is (571) 272-4986.

The examiner can normally be reached on Mon - Fri, 8:00 am - 4:00 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Welch can be reached on (571) 272-4996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Shaun R Hurley
Primary Examiner
Art Unit 3765

SRH
14 November 2007